

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CHARLES E. WIIG,

Petitioner,

v.

ORDER

Civil File No. 17-3815 (MJD/TNL)

WARDEN E. WILLIAMS,

Respondent.

Charles E. Wiig, pro se.

Michael L. Cheever and Ana H. Voss, Assistant United States Attorneys, Counsel for Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung dated May 30, 2018. Petitioner Charles E. Wiig filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Leung dated May 30, 2018.

In Petitioner's objections, he requests that the Court issue a Certificate of Appealability. With regard to the Court's procedural rulings, the Court concludes that no "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right," nor would "jurists of reason . . . find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). With regard to the Court's decisions on the merits, it concludes that no "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Id. Therefore, the Court denies a Certificate of Appealability in this case.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Tony N. Leung dated May 30, 2018 [Docket No. 12].
2. Respondent's Motion to Dismiss [Docket No. 8] is **GRANTED**.

3. Petitioner's § 2241 Habeas Corpus Petition [Docket No. 1] is **DISMISSED**.
4. The Court denies a Certificate of Appealability in this case.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 10, 2018

s/Michael J. Davis

Michael J. Davis
United States District Court